(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

MISCELLANEOUS CIVIL APPLICATION NO. 367 OF 2004
IN WRIT PETITION NO. 59 OF 2002

| Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's Orders |
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Smt. A. A. Agni, advocate for the applicant.

Shri A.N.S. Nadkarni, Advocate General with Shri P.A. Kamat, Government Advocate for respondent nos.1 & 2.

Shri A.N.S. Nadkarni, Advocate General with Shri H. D. Naik, Additional Government Advocate for respondent no.4.

CORAM : S. A. BOBDE &
N. A. BRITTO, JJ.

DATE : 22nd June, 2004

P.C.:

By this Civil Application the applicant seeks, inter alia, an interim relief directing the respondents not to conduct any interview and make any appointment pursuant to the advertisement dated 28th March, 2003.

The only reason the applicant makes this prayer at this stage is because the applicant has not been

called for an interview in view of the fact that the respondents have created a short-list for which the applicant is not eligible. The concerned post is the post of Director of Education. Eventhough the eligibility criteria makes the applicant eligible for applying for the said post and indeed she has applied for the said post, it is stated on behalf of the respondents that the Goa Public Service Commission, respondent no.4, has short-listed candidates who have administrative experience of over ten years on the date of the advertisement, i.e. 28th March, 2003. Admittedly, the applicant did not have the administrative experience required for short-listing on 28th March, 2003. The Supreme Court has, in the case of **Madhya Pradesh Public Service Commission vs. Navnit Kumar Potdar & Anr.,** reported in (1994)6 SCC 293, observed that where a selection is to be made only on the basis of

interview, such as in the present case, the Public Service Commission, or the Selection Board can adopt any rational procedure and fix the number of candidates who should be called for interview. The Supreme Court has upheld the process of short-listing as long as it is rational.

In the present case we find that interviews were held twice in the past and candidates with requisite experience were not available. The applicant had also applied on those occasions and was not found to be eligible. The short-listing was necessitated because virtually all the candidates have experience of more than five years. That is why the respondents have created a short-list of candidates who have ten years of administrative experience as on the date of the advertisement.

Prima facie, we see nothing

illegal in the procedure adopted by the respondents. We, therefore, reject the prayer for interim relief made in this application. Needless to say that the appointment, if any, will be subject to the result of the Writ Petition.

S. A. BOBDE, J.

N. A. BRITTO, J.

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